

Puget Sound Partnership Ecosystem Coordination Board

Meeting Summary

November 4, 2010

Education Center, Nisqually National Wildlife Refuge, Olympia

Strait of Juan de Fuca	Steve	Tharinger
Whidbey Basin	Ron	Wesen
Hood Canal	Teri	King
South Central Puget Sound	Dow	Constantine
North Central Puget Sound - Alternate	Patty	Charnas
South Puget Sound	Dan	Wrye
Business Interest	Sam	Anderson
Small Business	Bill	Dewey
Environmental Interest	Kathy	Fletcher
Environmental Interest	Chris	Davis
Cities	Jeanne	Burbidge
Ports	John	Calhoun
Tribal Government	David	Troutt
Tribal Government	Randy	Kinley
Tribal Government	Dave	Herrera
Legislative caucus	Phil	Rockefeller
Federal Government	Tom	McDowell
Federal Government	Elizabeth	Babcock
Federal Government	Tom	Eaton
Washington State Agencies - Designee	Josh	Baldi
Washington State Agencies - Designee	Margen	Carlson
Washington State Agencies - Designee	Naki	Stevens

It is intended that this summary be used along with notebook materials provided for the meeting. A recording of this meeting is also retained by the Partnership as part of the formal record.

Action Items:

- Approval of September 10, 2010, Meeting Summary
- Approval of 2011 Meeting Schedule

Meeting Summary:

- Open meeting
- Welcome and overview of work being done in the Nisqually Delta
- Stormwater Pollution
- Shoreline Protection Policy Issue Discussion
- Floodplains
- Other 2011 Puget Sound Legislative Issues
- Near Term Target Setting
- Board Roundtable updates and highlights
- Adjourn meeting

CALL TO ORDER

Ecosystem Coordination Board (ECB) Vice Chair Dave Herrera called the meeting to order at 10:00 a.m.

APPROVAL OF SEPTEMBER 10, 2010 MEETING SUMMARY

Naki Stevens requested a small revision to the September meeting summary –on last page change from “set” their eelgrass targets to “proposed.”

Board **APPROVED** the September 10, 2010, ECB meeting summary as revised.

APPROVAL OF 2011 ECB MEETING SCHEDULE

Tammy Owings reviewed the proposed ECB meeting dates for 2011. The Board approved the schedule as presented:

- February 3, 2011
- April 1, 2011
- August 4, 2011
- October 6, 2011

WELCOME

Nisqually Tribe Councilmember Slate welcomed the group.

David Troutt provided an overview of the work done at the Nisqually Reserve and showed a short video on the work done to remove the dike.

Chris Ellings gave a presentation about how this work has evolved over the years. A request was made for a presentation at a future meeting about birds in the Delta.

David Troutt did not have a breakdown on how many jobs were created through this project, but the return on the funds has been recognized many fold through both jobs and visitors to the center.

David Dicks noted the similarities between the Nisqually and the Skokomish projects in the need to monitor the projects to show how these efforts are making a change and to help tell the story.

STORMWATER POLLUTION

Stormwater funding issues discussion guided by ECB Stormwater Funding Subcommittee

ECB Stormwater Subcommittee chair Sam Anderson led this discussion. (See meeting materials for details.)

At its first meeting, the Subcommittee did not identify new funding sources but decided to look at the WRIA 9 stormwater proposal to see if there are any recommendations that could be used at a Soundwide level and then develop a stormwater vision.

At the next meeting of the Stormwater Funding Subcommittee, they plan to look at the recommendations in Pam Bissonette's report and to develop suggestions for moving forward.

Kathy Fletcher reminded the group that stormwater will be an issue before the Legislature this year and will be a priority for the environmental caucus again. She is happy to see the costs laid out in Pam's report. People are concerned with the numbers that start with a 'B' verses a 'M' but when talking stormwater that is a reasonable estimate.

The Subcommittee also discussed the need to prioritize stormwater funding and to take care of legacy loads. The Subcommittee would like the vision document to be discussed by the whole ECB before staff takes it to the Leadership Council for direction.

Randy Kinley was not sure how stormwater became the number 1 priority for the Partnership. This is one of the priorities for the tribes but not the number one. He noted that the Partnership will lose the tribes if stormwater becomes the top priority.

David Dicks discussed the four principals outlined in the Action Agenda – restore, protect, stop additional contamination, and make systems work together. Stormwater is under the “stop additional contamination” heading. Stormwater is not predominant overall but is part of that overall strategy and a big issue in the Sound. We have been doing, and continue to do, a lot of restoration work. We need to ramp up “protection” and “stopping additional contaminations”. David will prepare something to help clarify this for the next Leadership Council meeting.

Phil Rockefeller stressed the need to figure out a coherent, clear roadmap for stormwater and strategies needing actions. This is a large topic and it needs refinement – NPDES phase 1 and 2 put a heavy burden on local government.

The group discussed how Pam's report lays out how local government can increase efficiencies and many, but not all, of the associated costs. The visioning process includes seven categories of strategies to move forward. The hope is to have something that is fairly well vetted ready for the 2011 legislative session. This problem is significant and there are so many things that could be done.

Kathy Fletcher pointed out how this conversation would be beneficial if it contained targets and milestones to get us to 2020. There is a definite need to lay out what we need to do and how we should do it, which will result in the need for more, not less, money.

The Subcommittee will continue to work to identify funding options.

Chris Townsend reported that the visioning document will come back to the Subcommittee and/or the ECB for review of all the elements that include the costs and suggestions to move forward.

National Pollutant Discharge Elimination System (NPDES) Permitting

Chris Townsend then provided an overview of the NPDES permitting issue and issues included in the permits such as LID standards, improvements to stormwater monitoring efforts, and technical standards for incorporation of the LID standards. He noted Pam's report shows that local governments are effective and efficient in meeting permit needs of stormwater issues.

At its next meeting, staff will recommend the Leadership Council adopt a resolution to support continuing moving the permits forward. At this meeting, staff would like to hear viewpoints from the ECB representatives to help frame the final wording of the resolution.

Dave Williams, Association of Washington Cities (AWC), and Scott Merriman, Washington State Association of Counties (WSAC) came forward to discuss the request of cities and counties to postpone the permitting process.

Dave Williams expressed their concerns with the stormwater permitting and lack of funding to meet the permit requirements. He believes the first priority is to find a funding source, and the second priority is to talk to legislators and managers to find out if this is the time to put any more requirements on local government. He agrees that monitoring is needed, but is not sure whether this needs to be done through revision to the permits. He saw Pam's report and it has some good information. Needing to retrofit will cost billions of dollars we don't have. He noted that a letter was sent to the Governor from the AWC and WSAC suggesting we resolve and prioritize issues before changing permitting requirements. The Cities and Counties are here as partners and want to resolve this issue before making changes to the permits. (See meeting materials for letter.)

Dan Wrye stated that he e-mailed a memo late yesterday afternoon and then provided copies to ECB members. (See meeting materials.) He reviewed the issues in his memo, which suggest a more thorough recommendation, not just a "postpone" or "not postpone", if sending something to the Leadership Council.

Tom Eaton is sympathetic to the local government, but EPA would still recommend moving the permitting forward and keep on track for 2012. In response to question if the permits will get us to restoration, he says, "No, but they will move us forward." He is not sure this will increase costs. If we are adding people to Puget Sound then we will be adding to the retrofitting problem, so if we work on this now it will save money over the long run.

Scott Merriman acknowledged that Dave and Dan provided good overviews of the local concerns. He discussed the funding concerns for the cities and counties and their ability to meet the environmental obligations in addition to other obligations. Counties have been budget cutting for several years.

In response to a question on whether the Leadership Council should be taking a stand on this issue or not, Leadership Council Chair, Martha Kongsgaard, commented that this could be asked about a lot of the issues coming to the ECB. She said the Leadership Council should have an opinion on how to best restore the Sound. The Leadership Council will be discussing this issue at its November meeting and a message will be sent.

ECB members then provided their thoughts on this issue:

- Act, do not support delay
- Ask delay proponents to focus their energy on funding options
- Look more broadly at issues in rural areas
- Clarify that new construction must have good stormwater controls
- Urge an effectiveness focus
- Roll up different strategies needed in different areas into a Sound-wide vision

Public Comment:

No public testimony was offered.

Staff will use this discussion to develop a resolution for Leadership Council consideration at its November 19, 2010, meeting.

FLOODPLAIN MANAGEMENT

Process to comply with Biological Opinion (BiOp)

David St. John provided an overview of the process and the new September 22, 2011, deadline for the BiOp. He reported that this will be a discussion on the Leadership Council meeting agenda and he will be taking input from this meeting to them. (See meeting materials for details.)

David explained that the Federal Emergency Management Agency (FEMA) implements the National Floodplain Insurance Program (NFIP), which through the issuance of insurance influences the type and extent of development in floodplains. In late 2008, the National Marine Fisheries Service (NMFS) issued a BiOp finding that the NRIP jeopardizes the existence of several Puget Sound species listed under the Endangered Species Act (ESA).

NMFS has identified seven actions for FEMA that would bring the NFIP into compliance with the ESA. NMFS has set a deadline of September 22, 2011, to implement this action for work by FEMA and the 122 Puget Sound communities involved.

He reviewed the collective work plan to address key issues and the three paths to compliance – model ordinance, community compliance process, or project-by-project compliance. NMFS is working with FEMA and the Partnership to make sure the compliance moves forward to protect the environment.

ECB members discussed concerns:

- Tribes, as a whole, are concerned with where this is going. They have not been able to convene a meeting with FEMA to discuss treaty rights, and they are not comfortable that the results will lead to meeting Tribal and/or Partnership goals and objectives
- The more we can integrate and utilize existing tools to achieve the goals the better. We do not want to create a new process
- There is a history of legal and technical issues around the floodplain issue, and thus the reason a good work plan is needed
- Understand this is complicated process and there are reasons to extend the deadline. The goal is to have very specific goals and deadlines in place to move this forward
- Monitoring should be incorporated into existing efforts, not create a new monitoring system
- There is a call for workshops to incorporate the work, but June would be too late
- First question shouldn't be whether or not they are meeting the deadline, but are they meeting ECB and Partnership goals
- FEMA is not sitting at the ECB table or at the table with the Federal Caucus, although there has been effort put forth to add them to the Federal Caucus table
- Even with the extension, it will be hard to meet the deadlines
- Work plan seems to be heavy on process - what is Puget Sound getting from this
- Ecology is losing capacity and appreciates the Partnership stepping up to help
- Need to lay out what the role of the ECB should be

Martha Kongsgaard thanked David St. John for working on this issue and reminded the ECB that the Partnership Leadership Council is not passive and will be actively moving forward on this issue.

This issue will come back to the ECB at a future meeting.

UPCOMING EVENT

David St. John announced to the ECB members that a workshop is scheduled for December 14 to review the findings of the Puget Sound Science Update and the science policy interaction. This workshop will include Leadership Council, Science Panel, and ECB members. More information will be provided shortly.

SHORELINE PROTECTION POLICY ISSUES DISCUSSION

Shoreline policy issues discussion guided by ECB Shoreline Protection Subcommittee
ECB Shorelines Subcommittee Chair, David Troutt, led this discussion. He presented the subcommittee's recommendation to support Hydraulic Project Approval (HPA) and Green Shoreline legislation, as well as to encourage stronger shoreline regulations this legislative

session. He is requesting ECB discussion before presenting this to the Leadership Council for support at its November 19, 2010, meeting. (See meeting materials for details.)

Three recommendations are being put forward to improve shoreline protection:

1. Support of state budget to maintain existing funding for local governments to do this work
2. Proposed "green" shorelines legislation from Ecology
3. HPA program legislation being put forward by Fish and Wildlife

ECB members discussed the various options and concerns. The ECB is supportive of the high-level concepts behind the three proposals. The ECB Shoreline Protection Subcommittee will continue to explore ways to further strengthen shoreline protection measures.

OTHER 2011 PUGET SOUND LEGISLATION

Sam Anderson reflected that the recent election was very enlightening regarding the public's dissatisfaction and the removal of funding sources. There will be issues that various coalitions will want to move forward, but in a divisive session he believes it will be hard to move anything forward. The ECB needs to think about planning farther out. We are in a worse place than we were a year ago.

David Troutt discussed a recent conversation with Billy Frank how he reminded him that we go through cycles. We said we are too nice around here and we need to stop and communicate what we think the future should be. How we deliver the message is important but we still need to deliver it. To change the future, we need to visualize it and keep moving forward.

Tribal

- David Troutt - Wants discussion with elected officials to say what is needed and find things that fit within the current budget situation. Shorelines issue: Tribes are interested in continuing the conversation
- Randy Kinley - We have to do something and stop convincing ourselves to not do things because it is hard or controversial

Business

- Sam Anderson - We have made progress; we're sitting here and we need to continue moving forward. AWB will be coming up with legislation. He suggested looking at SEPA to find ways to reduce regulatory costs
- Bill Dewey - We are in tough economic times, but can't lose sight of our goals. We need to work for a good economy. Be cautious as we move forward. As a small business owner, he is interested and intrigued with the Governor's Executive Order to help small businesses to be part of the economic recovery
- Sam attended a meeting with the Cascade Land Conservancy where they were talking about trying a tax implementation plan and, if you connect the dots, it is good for the Sound. As

this gains momentum he will bring it back to this group to talk because it could help with urban growth

Cities

- Jeanne Burbidge - Washington is more restrained in its use of tools for growth management and we need to find ways to include more tools. (Jeanne provided a list of the cities' preliminary priorities. (See meeting materials for details.)

Counties

- Steve Tharinger reported that there is no formal list from the counties. We need better integration and to be smarter about how we do business. There is no money so we need to figure out how to meet obligations in a smarter way, and that is what the Partnership is for. We should look at ways to do this. He would look at the long-term picture since short-term is brutal. We also need to figure out how to create jobs and the nexus with jobs

Environmental

- Kathy Fletcher – Last year's unresolved stormwater-funding issue is still on the list. The current political reality is a challenge, but still need to move forward issues such as shoreline issues and oil spill policies from the report. The environmental community is developing a list of priorities and she believes there will be one on clean water, including phosphorous and clean energy efforts

State Governments

- Naki Stevens - DNR has strong focus on Puget Sound, One proposal is Puget Sound Corps an enhancement to the Washington Corps that hires young people and military veterans to do restoration work and would consolidate efforts in the Department of Ecology. (See meeting handout for details.)
- Margen Carlson – WDFW two bills: one removes the sunset clause on the Washington Invasive Species Council (WISC) and fee structures, and the other incorporates HPA changes discussed earlier
- Josh Baldi – Ecology is looking at possible legislation concerning oil spill funding, dedicated funds for stormwater, green shorelines, statewide toxics in toys, and/or water-smart Washington that would address water law

NEAR TERM TARGET SETTING

Martha Neuman discussed the plan to revise the Action Agenda in 2011, which would include target setting. There have been several conversations on which targets might be set. She reported that the current thinking is to have the Leadership Council approve three Ecosystem targets in February or April (shellfish beds, eelgrass, acres of estuary to be restored). Work would then begin on five threat reduction targets (now being called "pressures"): stormwater, shoreline alteration, land development, nearshore restoration, wastewater. This is also part of the Action Agenda update. Staff will work with the Science Panel to resolve additional ecosystem indicator targets in December 2010.

Due to time constraints, David Dicks suggested setting a webinar to continue the target setting discussion.

Kathy Fletcher noted that she is very sorry we ran out of time for this. She is concerned about the length of time this process is taking. She is not sure why it will take so long to set the targets, and asked if milestones will be ready when a target is, or will that be another multi-year process. She asked how to get this moving ahead faster.

Tim Quinn explained that this is different from past efforts because it needs to be an integrated system across ecosystem goals. There are tools that we can use to move this along, but it will take more work.

Martha explained she has a detailed schedule but it is taking longer since so many groups need to "touch" the process.

Dave Herrera reported that in his Action Area, they are starting to set targets and not waiting for the Partnership. They hope to be rolled up to the Sound level, and he suggested other Action Areas do the same thing.

A webinar will be scheduled to continue this discussion, and target setting will continue to be part of future ECB agendas.

AGENCY AND MEMBER UPDATES

David Dicks provided an overview of staff work since the last meeting. (See meeting materials for details.) ECB members provided updates of interest to the group.

3:10 p.m. ADJOURN

Ecosystem Coordination Board Approval



Dave Somers, Chair

